

## REMARKS

Applicant has submitted a Terminal Disclaimer.

Examiner rejected claims 1-13 under the judicially created doctrine of obviousness-type double patenting. In particular, the Examiner stated:

Claims 1-13 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 16, 41, 45, and 54-57 of U.S. Patent 6,374,225. Although the conflicting claims are not identical, they are not patentably distinct from each other because both sets of claims are drawn to methods for presenting audio/audio-visual-media works to a user, obtaining user information for presentation rates for portions of the work based on contents of the portion, associating the rates and corresponding content portions, and presentation of the content portions as deemed by the associated rates.

Applicant hereby submits a Terminal Disclaimer to overcome this rejection. In light of this, Applicant respectfully requests the Examiner to withdraw this rejection.

In light of the above, Applicant respectfully submits that all remaining claims are allowable. Should the Examiner have any questions or wish to discuss any aspect of the application, a telephone call to the undersigned would be welcome.

Respectfully submitted,

By: 

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